



Arizona Peace Officer Standards and Training Board

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MINUTES OF MEETING JUNE 15, 2016 PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on June 15, 2016, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Chairman
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Mr. H. Jeffrey Coker, Public Member
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Lawrence Hall, Buckeye Police Department
Detention Director Mike Olson, Maricopa County Sheriff's Office
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Deputy Director Jeff Hood, representing Director Charles Ryan, AZ DOC
Professor Cornel Stemley, Grand Canyon University

Board Members Absent:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Mr. David Brown, Public Member

Staff in Attendance:

Ted Brandon
Annie Deer
Mike Deltenre
Marie Dryer
Ivan Gelo
Cathy Hawse
Steve Jacobs
Jack Lane
Cathy Masters
Sandy Sierra
Lori Tallerday
Don Yennie

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
Jeanne Galvin

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m.

B. Introductions, Presentations and Announcements

Executive Director Jack Lane stated that Assistant Attorney General Jeanne Galvin is at today's meeting to represent the Board on the first three final action cases. He then presented a plaque to former Board member Tim Williams of the Cochise County Sheriff's Office, in appreciation to his service on the Board. Sergeant Williams was on the Board from September 2014 to October 2015. He also presented plaques to two AZ POST staff members who will be retiring in the next few weeks. Lyndon Larson is the Program Administrator who oversees the Certification and Waiver Testing Section. He has been with AZ POST since 1995. Ivan Gelo is a Chandler Police Department officer who has been on contract with AZ POST since 2012 and is assigned to the Training Unit. Both employees will be greatly missed and we wish them luck in their retirement endeavors.

C. Executive Director's Report

Budget – The Criminal Justice Enhancement Fund report for this month has not yet been received; so it is unknown if revenues are up or down. Normally the trend is for the fund to increase in the last few months of the fiscal year; hopefully this trend will continue.

Board Communications – Executive Director Lane and Assistant Attorney General Saltz attended the IADLEST Conference in Grand Rapids, Michigan last week. The conference was very informative and insightful as law enforcement standards vary from state to state. Arizona's standards continue to be among the best.

Personnel and Staffing – A Qualifications Appraisal Board (QAB) was held last week for the Compliance Manager position. It is anticipated that a hiring list will be established this week and interviews for the top three candidates will follow shortly. QABs will be held June 28 and 29 for the Training Compliance Specialist positions. A candidate was selected to fill the Compliance Specialist position and he is currently in the background process.

D. Final Action Cases:

Case #1 – Danny P. Olmos – Phoenix Police Department

The Board considered arguments from Assistant Attorney General Seth Hargraves and Cassidy Bacon, attorney for Danny Olmos. The Board received legal advice regarding

the motion from Assistant Attorney General Jeanne Galvin. Sheriff Dannels made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law, with the modifications presented today, and to dismiss the case, seconded by Chief Rodbell, motion carried with two nay votes recorded for Colonel Milstead and Chief Hall.

Case #2 – Joseph Vizzini – Phoenix Police Department

The Board considered arguments from Assistant Attorney General Seth Hargraves and Steven Serbalik, attorney for Joseph Vizzini. The Board received legal advice regarding the motion from Assistant Attorney General Jeanne Galvin. Professor Stemley made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law, with the modifications presented today, and to dismiss the case, seconded by Chief Rodbell, motion carried with one nay vote recorded for Colonel Milstead.

Case #3 – Chad E. Killian – Yuma Police Department

The Board considered comments from Assistant Attorney General Seth Hargraves. Mr. Coker made a motion to deny the Request for Dismissal Due to Unreasonable Delay, seconded by Sergeant Andreacola, motion carried unanimously.

Case #4 – Anderson Dez – Navajo Division of Public Safety

The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Colonel Milstead, motion carried unanimously.

Case #5 – Thomas E. Chapman – Chandler Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Chief Hall, motion carried unanimously.

Case #6 – Joe R. Luna – Santa Cruz County Attorney's Office

The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Detention Director Olson, motion carried unanimously.

Case #7 – Martin L. Walker – Tucson Police Department

Sergeant Andreacola recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Colonel Milstead made a motion to adopt the Consent Agreement, Decision and Order and suspend peace officer certification from July 21, 2015 to July 21, 2016, seconded by Sheriff Dannels, motion carried unanimously.

Case #8 – Curven J. Begay – Navajo Division of Public Safety

The Board considered comments from Acting Compliance Manager Ted Brandon. Chief Hall made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sergeant Aparicio, motion carried unanimously.

Case #9 – Fabian D. Terry – Gila River Police Department

The Board considered comments from Acting Compliance Manager Ted Brandon. Sheriff Dannels made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #10 – Bryan E. Byrne – Buckeye Police Department

Chief Hall recused himself from this case. The Board considered comments from Acting Compliance Manager Ted Brandon. Sergeant Aparicio made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Colonel Milstead, motion carried unanimously.

Case #11 – Jaime L. Crawford – Bullhead City Police Department

The Board considered comments from Acting Compliance Manager Ted Brandon. Professor Stemley made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Colonel Milstead, motion carried unanimously.

Case #12 – Guy W. Falkengren – Chandler Police Department

The Board considered comments from Acting Compliance Manager Ted Brandon. Colonel Milstead made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #13 – Scott A. Hedges – Chandler Police Department

The Board considered comments from Acting Compliance Manager Ted Brandon. Colonel Milstead made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for three years effective May 31, 2015, seconded by Professor Stemley, motion carried unanimously. Colonel Milstead then amended his motion to suspend peace officer certification for three years from August 13, 2015 to August 13, 2018, at which time his peace officer certification will lapse, seconded by Chief Hall, motion carried unanimously.

Case #14 – Jonathan T. Love – Avondale Police Department

The Board considered comments from Acting Compliance Manager Ted Brandon. Sergeant Aparicio made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Colonel Milstead, motion carried with three nay votes.

Case #15 – Mario C. Garcia – AZ Department of Transportation - ECD

The Board considered comments from Acting Compliance Manager Ted Brandon. Sheriff Dannels made a motion to adopt the Findings of Fact and Conclusions of Law for mandatory revocation of peace officer certification, seconded by Chief Hall, motion carried unanimously.

E. New Charging Cases:Case #1 – Princeton T. Calabaza – Tohono O’odham Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Chief Hall made a motion to **Initiate Proceedings**, seconded by Professor Stemley, motion carried unanimously.

Case #2 – Richard C. Guinn – Apache County Sheriff’s Office

The Board considered comments from Compliance Specialist Ted Brandon. Chief Hall made a motion to **Initiate Proceedings**, seconded by Professor Stemley, motion carried unanimously.

Case #3 – Chris S. Harper – Colorado River Indian Tribe Police Department

Chairman Mascher recused himself from this case. Mr. Coker was acting chair. The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Detention Director Olson, motion carried unanimously.

Case #4 – David A. Shatto – Colorado River Indian Tribe Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Detention Director Olson made a motion to close this case with **No Action with Agency Discretion**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #5 – Alfredo Valenzuela – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Chief Rodbell made a motion to close this case with **No Action with Agency Discretion**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #6 – Jose A. Olivares – Tucson Police Department

Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Chief Rodbell made a motion to **Initiate Proceedings**, seconded by Professor Stemley, motion carried unanimously.

Case #7 – Joseph H. Arnason – Sierra Vista Police Department

Sheriff Dannels recused himself from this case. The Board considered comments from Compliance Specialist Lori Tallerday. Chief Hall made a motion to **Initiate Proceedings**, seconded by Chief Rodbell, motion carried unanimously.

Case #8 – Matthew T. Chuey – Mesa Police Department

The Board considered comments from Compliance Specialist Lori Tallerday. Sheriff Dannels made a motion to ***Initiate Proceedings***, seconded by Chief Rodbell, motion carried unanimously.

Case #9 – Cody R. Pablo – Gila River Police Department

Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Lori Tallerday. Mr. Coker made a motion to ***Initiate Proceedings***, seconded by Sheriff Dannels, motion carried unanimously.

Case #10 – Josealejandro E. Pickett – Mesa Police Department

Colonel Milstead and Sheriff Dannels recused themselves from this case. The Board considered comments from Compliance Specialist Lori Tallerday. Chief Hall made a motion to ***Initiate Proceedings***, seconded by Professor Stemley, motion carried unanimously.

Case #11- Adalberto Velez Jr. – Mesa Police Department

The Board considered comments from Compliance Specialist Lori Tallerday. Colonel Milstead made a motion to ***Initiate Proceedings***, seconded by Chief Rodbell, motion carried unanimously.

F. Future Agenda Items

No new items to add. Executive Director Lane informed the Board that in attendance at today's meeting is a Police Supervision class; he inadvertently forgot to mention this at the beginning of the meeting.

G. Adjourn

Chairman Mascher adjourned the meeting at 11:28 a.m.